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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,
10 Plaintiff,
11 v.
12 Brian Tackett (2)
13 Defendant.
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CR 22-00462-TUC-JGZ (LAB)

**ORDER
CONTINUING PLEA DEADLINE
AND TRIAL**

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16 This case is presently set for trial on December 20, 2022. The Defendant filed a
17 motion to continue and, for the reasons set forth therein, additional time is required to
18 adequately prepare for trial. The Government has no objection to a continuance.

19 The Court finds that the ends of justice served by continuing this case outweigh the
20 best interests of the public and the defendant in a speedy trial.

21 **IT IS ORDERED** as follows:

22 1. The date by which the referred magistrate judge hears the change of plea must
23 be no later than February 3, 2023 by 3:00 p.m.

24 2. All motions, unless made during a hearing or trial, shall be in writing and shall
25 be made sufficiently in advance of trial to comply with the time periods set forth in
26 LR Civ. 7.2 and any court order and to avoid any delays in the trial. Pretrial motions may
27 be heard before a magistrate judge and a Report and Recommendation will be provided to
28 the district judge assigned to the case.

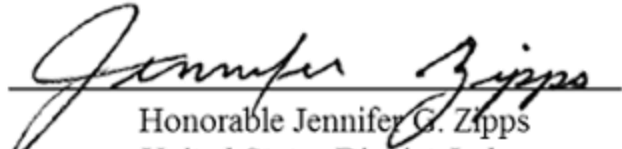
1 3. This matter is RESET for trial on **February 22, 2023 at 9:30 a.m. Counsel are**
2 **to be present at 9:00 a.m.**

3 4. Excludable delay under 18 U.S.C. §3161(h)(7) is found to commence on
4 December 21, 2022 and end on February 22, 2023. Such time shall be in addition to other
5 excludable time under the Speedy Trial Act and shall commence as of the day following
6 the day that would otherwise be the last day for commencement of trial.

7 5. Any and all subpoenas previously issued shall remain in full force and
8 effect through the new trial date.

9 6. **Any motion or stipulation to continue the scheduled trial date and change**
10 **of plea deadline shall be filed with the Clerk of Court no later than 5:00 p.m.,**
11 **Monday, February 6, 2023. Alternatively, by that same deadline, if after**
12 **consultation between government and defense counsel it is determined that a motion**
13 **to continue the scheduled trial date and change of plea deadline will not be filed,**
14 **government counsel shall notify the Court by an email to the chambers email**
15 **address that the case and counsel are ready to proceed to trial on the scheduled trial**
16 **date. The notification shall also include the estimated number of trial days needed to**
17 **complete the trial.**

18 Dated this 13th day of December, 2022.

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22 Honorable Jennifer G. Zipps
23 United States District Judge
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